

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

ANTHONY AYIOMAMITIS,

Plaintiff,

- against -

NATIONAL SPACE SOCIETY

Defendant.

Docket No. 4:20-cv-563

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Anthony Ayiomamitis (“Ayiomamitis” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant National Space Society (“National Space Society” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act and for the removal and/or alteration of copyright management information under Section 1202(b) of the Digital Millennium Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of a Central Lunar Eclipse, owned and registered by Ayiomamitis, a professional photographer. Accordingly, Ayiomamitis seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendant because Defendant transacts business in Missouri.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Ayiomamitis is a professional photographer in the business of licensing his photographs for a fee having a usual place of business at Agapis 2, Nea Palatia-Oropou, Attiki 19015 Greece.

6. Upon information and belief, National Space Society is a business corporation with a place of business at in St. Louis. At all times material hereto, National Space Society has operated its Facebook page at the URL: www.Facebook.com/NSSISDC (the “Website”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photograph

7. Ayiomamitis photographed a Central Lunar Eclipse (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Ayiomamitis then published it on his website with his name underneath the Photograph. See Exhibit B.

9. Ayiomamitis is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

10. The Photograph was registered with United States Copyright Office and was given Copyright Registration Number VA 2-166-208.

B. Defendant’s Infringing Activities

11. National Space Society ran the Photograph on the Website to promote their International Space Development Conference. See:

<https://www.facebook.com/NSSISDC/photos/a.1317388301658875/1970766062987759/?type=3>
&theater. A true and correct copy of the Photograph on the Website and screenshots of the Photograph on the Website are attached hereto as Exhibit C.

12. National Space Society did not license the Photograph from Plaintiff for its article, nor did National Space Society have Plaintiff's permission or consent to publish the Photograph on its Website.

FIRST CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)
(17 U.S.C. §§ 106, 501)

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. National Space Society infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. National Space Society is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by National Space Society have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

SECOND CLAIM FOR RELIEF
INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION AGAINST
DEFENDANT
(17 U.S.C. § 1202)

18. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-18 above.

19. Upon information and belief, in its article on the Website, Defendant copied the Photograph from Plaintiff's website which contained a gutter credit underneath the Photograph stating, "Anthony Ayiomamitis" and placed it on its Website without the gutter credit.

20. Upon information and belief, National Space Society intentionally and knowingly removed copyright management information identifying Plaintiff as the photographer of the Photograph.

21. The conduct of National Space Society violates 17 U.S.C. § 1202(b).

22. Upon information and belief, National Space Society' falsification, removal and/or alteration of the aforementioned copyright management information was made without the knowledge or consent of Plaintiff.

23. Upon information and belief, the falsification, alteration and/or removal of said copyright management information was made by National Space Society intentionally, knowingly and with the intent to induce, enable, facilitate, or conceal their infringement of Plaintiff's copyright in the Photograph. National Space Society also knew, or should have known, that such falsification, alteration and/or removal of said copyright management information would induce, enable, facilitate, or conceal their infringement of Plaintiff's copyright in the Photograph.

24. As a result of the wrongful conduct of National Space Society as alleged herein, Plaintiff is entitled to recover from National Space Society the damages, that he sustained and will sustain, and any gains, profits and advantages obtained by National Space Society because of their violations of 17 U.S.C. § 1202, including attorney's fees and costs.

25. Alternatively, Plaintiff may elect to recover from National Space Society statutory damages pursuant to 17 U.S.C. § 1203(c) (3) in a sum of at least \$2,500 up to \$25,000 for each violation of 17 U.S.C. § 1202.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant National Space Society be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. The Defendant National Space Society be adjudged to have falsified, removed and/or altered copyright management information in violation of 17 U.S.C. § 1202.
3. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;
4. That, with regard to the Second Claim for Relief, Plaintiff be awarded either:
 - a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's falsification, removal and/or alteration of copyright management information; or b) alternatively, statutory damages of at least \$2,500 and up to \$ 25,000 for each instance of false copyright management

- information and/or removal or alteration of copyright management information committed by Defendant pursuant to 17 U.S.C. § 1203(c);
5. That Plaintiff be awarded her costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 1203(b);
 6. That Plaintiff be awarded punitive damages for copyright infringement;
 7. That Plaintiff be awarded attorney's fees and costs;
 8. That Plaintiff be awarded pre-judgment interest; and
 9. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
April 20, 2020

LIEBOWITZ LAW FIRM, PLLC
By: /s/Richard Liebowitz
Richard P. Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580
Tel: (516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Anthony Ayiomamitis